

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

NICHOLAS HIBDON,

No. 2:19-cv-02109-AR

Petitioner,

ORDER

v.

BRAD CAIN,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Armistead issued a Findings and Recommendation on January 30, 2024, in which he recommends that this Court deny Petitioner's Amended Petition for Writ of Habeas Corpus and deny a certificate of appealability. F&R, ECF 62. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Petitioner filed timely objections to the Magistrate Judge's Findings and Recommendation. Pet. Obj., ECF 64. When any party objects to any portion of the Magistrate

Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

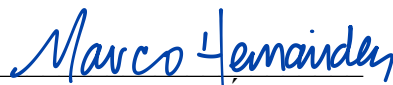
The Court has carefully considered Petitioner's objections and concludes that there is no basis to modify the Findings and Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

### CONCLUSION

The Court adopts Magistrate Judge Armistead's Findings and Recommendation [62]. Therefore, Petitioner's Amended Petition for Writ of Habeas Corpus [19] is DENIED. The Court DENIES a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right.

IT IS SO ORDERED.

DATED: June 11, 2024.

  
MARCO A. HERNÁNDEZ  
United States District Judge